

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**INDICTMENT FOR VIOLATIONS OF
THE FEDERAL CONTROLLED SUBSTANCES ACT
AND FEDERAL GUN CONTROL ACT**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO:

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v.

*

SECTION:

**GABRIEL CUTRER
PABLO BALDERAS**

*

**VIOLATIONS: 21 U.S.C. 841(a)(1)
21 U.S.C. 841(b)(1)(A)
21 U.S.C. 841(b)(1)(C)
18 U.S.C. 922(g)(1)
18 U.S.C. 924(a)(2)
18 U.S.C. 924(c)(1)
18 U.S.C. 2**

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The Grand Jury charges that:

COUNT 1

Beginning at a time unknown and continuing until on or about September 2, 2009, in the Eastern District of Louisiana, and elsewhere, the defendants, **GABRIEL CUTRER** and **PABLO BALDERAS**, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury, to distribute and to possess with the intent to distribute fifty grams or more of cocaine base ("crack"), a Schedule II narcotic drug controlled

substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); all in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about September 2, 2009, in the Eastern District of Louisiana, the defendant, **GABRIEL CUTRER**, did knowingly and intentionally distribute a quantity of cocaine base (“crack”), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C).

COUNT 3

On or about September 2, 2009, in the Eastern District of Louisiana, the defendants, **GABRIEL CUTRER** and **PABLO BALDERAS**, did knowingly and intentionally possess with intent to distribute a quantity of cocaine base (“crack”), a schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT 4

On or about September 2, 2009, in the Eastern District of Louisiana, the defendant, **GABRIEL CUTRER**, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on June 14, 2005, in case number 112538 in the Twenty-First Judicial District Court, State of Louisiana, for Possession of a Controlled Dangerous Substance, Schedule II, in violation of La. R.S. 40.967, did knowingly possess in and affecting

commerce a firearm, to wit: a .38 caliber Smith & Wesson handgun, bearing serial number 63231; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 5

On or about September 2, 2009, in the Eastern District of Louisiana, the defendants, **GABRIEL CUTRER** and **PABLO BALDERAS**, did knowingly possess a firearm, to wit: a .38 caliber Smith & Wesson handgun, bearing serial number 63231, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit: possession with intent to distribute cocaine base ("crack"), in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 18, United States Code, Section 924(c)(1) and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

1.) The allegations of Counts 1 through 3 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2.) As a result of the offenses alleged in Counts 1 through 3 defendants **GABRIEL CUTRER** and **PABLO BALDERAS** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the

violations alleged in Counts 1 through 3 of this Indictment.

3.) If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any acts or omissions of the defendants, **GABRIEL CUTRER** and **PABLO BALDERAS**:

- a.) cannot be located upon the exercise of due diligence;
- b.) has been transferred or sold to, or deposited with, a third person;
- c.) has been placed beyond the jurisdiction of the Court;
- d.) has been substantially diminished in value; or
- e.) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE

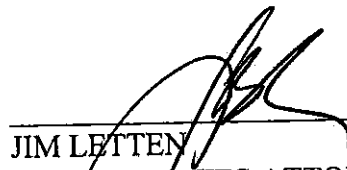
1.) The allegations of Counts 4 and 5 of this indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924 (d)(1), Title 28, United States Code, Section 2461 and Title 21, United States Code, Section 853.

2.) As a result of the offense(s) alleged in Counts 4 and 5, defendants **GABRIEL CUTRER** and **PABLO BALDERAS** shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), Title 28 United States Code, Section 2461, and Title 21, United States Code, Section 853, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 922, as alleged in Counts 4 and 5 of the Indictment.


All in violation of Title 18, United States Code, Sections 922 and 924(d)(1) and Title 21,
United States Code, Section 853.

A TRUE BILL:

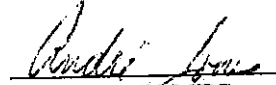
FOREPERSON



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New Orleans, Louisiana
September 25, 2009